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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,616	12/11/2003	Rami C. Levy	CE11336JI212	8536
7590 Larry G. Brown Motorola, Inc. Law Department 8000 West Sunrise Boulevard Fort Lauderdale, FL 33322			EXAMINER CASCA, FRED A	
			ART UNIT 2617	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
3 MONTHS			03/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/733,616

Applicant(s)

LEVY ET AL.

Examiner

Fred A. Casca

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 7, 9-15, 17, 18 and 20-22 is/are rejected.
- 7) ☒ Claim(s) 5, 8, 16 and 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to applicant's amendment filed on January 3, 2007.

Claims 1-22 are still pending in the present application. **This Action is made FINAL.**

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, and 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bates et al (U.S. Pub. No. 2003/0013456 A1), in view of Lim (U.S. Pub. No. 2004/0097224 A1).

Referring to claim 1, Bates discloses a method of providing information about a communications device (Abstract and paragraph 0006, "method, apparatus and system for notifying a user"), comprising the steps of establishing a communications connection between a first mobile communications unit and at least a second mobile communications unit (Figs. 1-2, and paragraphs 0006-0009, note that the two wireless devices 102A and 102B are set up for establishing a communication connection), transmitting from the first mobile communications unit to the second mobile communications unit a condition of at least one operational parameter of the first mobile communications unit (paragraphs 6-9, "first user is notified of the presence of the second user", note that the location of the mobile terminals is the parameter transmitted), wherein the condition of the operational parameter provides an indication as to the ability of the first mobile communication unit

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to maintain the communications connection with the second communications unit (figures 1, 4, 5-7, paragraphs 6-9, and 26-27, “user of the portable communication device 102A is notified of the presence of another group member . . . in the same region 106A”, “Suppose the user of portable communication device 102A is a friend or relative of the user portable . . . 102B”, note that the condition parameter (presence or location information) inherently indicates if a mobile communication can be obtained and maintained, e.g., if the locations of the two wireless communication devices are in the same region, and further in the same cell, then a strong signal strength would be established and allow the two users to maintain a communication session), and informing a user of the second mobile communications unit of the conditions of the operational parameters of the first mobile communications unit to inform a user of the second mobile communication unit of the conditions of the operational parameter of the first mobile communications unit (paragraph 6-9 and 26, “first user is notified of the presence of the second”).

Bates does not specifically disclose transmitting an operational parameter condition once the communications connection has been established and during the established communications connection, as claimed by the applicant.

Lim discloses transmitting from a first mobile communications unit to a second mobile communications unit a condition of at least one operational parameter of the first mobile communications unit once the communications connection has been established and also during the established communication connection (abstract, figures 1,2, and paragraphs 4, 6, 10, 12, 21-23-27, 37 and 46, “terminal . . . transmitting . . . data including . . . current state information“, “base station monitors a call connection state”,

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“base station 20 updates/stores state information periodically transmitted from each of the terminal”, “The state information of the terminal may include one or more of battery voltage information, an RSSI, and ON/OFF information”, “make a phone call . . . and check his/her position”, “an originating side terminal attempts a recall according to a state of a receiving side terminal”, “after performing a series of operations to establish the call, the user of the receiving side terminal transfers current state information of the receiving side terminal with a response message”, note that once the communication connection has been established, current state information of the receiving side terminal is detected and transmitted in order to predict maintaining the connection. Further note that the state information may include an RSSI value among other things where a RSSI value inherently is calculated with reference to location information).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the method of Bates by incorporating the teachings of Lim by providing transmitting from a first mobile communications unit to a second mobile communications unit a condition of at least one operational parameter of the first mobile communications unit once the communications connection has been established and also during the established communication connection, motivation being for the purpose of allowing users to be kept informed frequently instead of just one time if their communication will be maintained because it is more beneficial to frequently keep track of state conditions of mobile units.

Referring to claim 2, the combination of Bates/Lim discloses the method according to claim 1, and further disclose the steps of transmitting from the second

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mobile communications unit to the first mobile communications unit a condition of at least one operational parameter of the second mobile communications unit to inform a user of the first mobile communications unit of the conditions of the operational parameters of the second mobile communications unit (Bates, paragraphs 0006 and 0026-0027, note that information about the location of the second mobile terminal is automatically sent to the first mobile station through the base station and other network switches).

Referring to claim 3, the combination of Bates/Lim discloses the method according to claim 1, and further disclose the operational parameters of the first mobile communications unit are a signal strength, a battery level, a location, an audio configuration, an alert configuration, a conference indicator or a phone type indicator (Bates, paragraphs 0006 and 0026-0027).

Referring to claim 4, the combination of Bates/Lim discloses the method according to claim 1, and further disclose transmitting step comprises the step of selectively transmitting from the first mobile communications unit to the second mobile communications unit the conditions of the operational parameters of the first mobile communications unit such that the conditions of only selected operational parameters of the first mobile communications unit are transmitted to the second mobile communications unit (Bates, paragraphs 0006 and 0026-0027).

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Referring to claim 12, Bates discloses a system for providing information about a communications device (Abstract and paragraph 0006, “method, apparatus and system for notifying a user”), comprising a first mobile communications unit having at least one operational parameter, and a second mobile communications unit (Abstract and paragraphs 0006-0008, note that there are two mobile stations and their location is the considered operational parameter), wherein a communications connection is established between the first and second mobile communications units (Figs. 1-2, and paragraphs 0006-0009, note that the two wireless devices 102A and 102B are set up for establishing a communication connection), and at least one condition of the operational parameters of the first mobile communications unit is transmitted from the first mobile communications unit to the second mobile communications unit (Figs. 1-2, and paragraphs 0006-0009, note that the location of the mobile terminals are determined for each other and transmitted), wherein the condition of the operational parameter provides an indication as to the ability of the first mobile communication unit to maintain the communications connection with the second communications unit (figures 1, 4, 5-7, paragraphs 6-9, and 26-27, “user of the portable communication device 102A is notified of the presence of another group member . . . in the same region 106A”, “Suppose the user of portable communication device 102A is a friend or relative of the user portable . . . 102B”, note that the condition parameter (presence or location information) inherently indicates if a mobile communication can be obtained and maintained, e.g., if the locations of the two wireless communication devices are in the same region, and further in the same cell, then a strong signal strength would be established and allow the two users to maintain a communication session), wherein the second mobile communications unit has a user

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interface for informing a user of the second mobile communications unit of the conditions of the operational parameters of the first mobile communications unit (paragraph 0006, note the user is notified about the other user's location, hence there is a user interface for the second mobile unit in order receive notification messages).

Bates does not specifically disclose transmitting once the communications connection is established and during the established communications connection, as claimed by the applicant.

Lim discloses transmitting, once the communications connection is established and during the established communications connection, at least one condition of the operational parameters of a first mobile communications unit from the first mobile communications unit to a second mobile communications unit (abstract, figures 1,2, and paragraphs 4, 6, 10, 12, 23-27, 37 and 46, "terminal . . . transmitting . . . data including . . . current state information", "base station monitors a call connection state", "base station 20 updates/stores state information periodically transmitted from each of the terminal", "The state information of the terminal may include one or more of battery voltage information, an RSSI, and ON/OFF information", "make a phone call . . . and check his/her position", "an originating side terminal attempts a recall according to a state of a receiving side terminal", "after performing a series of operations to establish the call, the user of the receiving side terminal transfers current state information of the receiving side terminal with a response message", note that once the communication connection has been established, current state information of the receiving side terminal is detected and transmitted in order to predict maintaining the connection. Further note that the state

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information may include an RSSI value among other things where a RSSI value inherently is calculated with reference to location information).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the method of Bates by incorporating the teachings of Lim by providing transmitting from a first mobile communications unit to a second mobile communications unit a condition of at least one operational parameter of the first mobile communications unit once the communications connection has been established and also during the established communication connection, motivation being for the purpose of allowing users to be kept informed frequently instead of just one time if their communication will be maintained because it is more beneficial to frequently keep track of state conditions of mobile units.

Referring to claim 13, the combination of Bates/Lim discloses the system according to claim 12, and further disclose the first mobile communications unit has a user interface and the second mobile communications unit has at least one operational parameter, wherein a condition of the operational parameters of the second mobile communications unit is transmitted from the second mobile communications unit to the first mobile communications unit, wherein the first mobile communications unit through the first mobile communications unit user interface informs a user of the first mobile communications unit of the conditions of the second mobile communications unit (Bates, paragraphs 0006 and 0026-0027, note that information about the location of the second mobile terminal is automatically sent to the first mobile station through the base station and other network switches).

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Referring to claim 14, the combination of Bates/Lim discloses the system according to claim 12, and further disclose the operational parameters of the first mobile communications unit are a signal strength, a battery level, a location, an audio configuration, an alert configuration, a conference indicator or a phone type indicator (paragraphs 0006 and 0026-0027).

Referring to claim 15, the combination of Bates/Lim discloses the system according to claim 12, and further disclose the conditions of the operational parameters of the first mobile communications unit are selectively transmitted from the first mobile communications unit to the second mobile communications unit such that the conditions of only selected operational parameters of the first mobile communications unit are transmitted to the second mobile communications unit (Bates, paragraphs 0006 and 0026-0027).

4. Claims 11 and 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bates et al (U.S. Pub. No. 2003/0013456 A1), in view of Lim (U.S. Pub. No. 2004/0097224 A1), and further in view of Collier et al (U.S. Pub. No. 2002/0123309 A1).

Referring to claim 11, the combination of Bates/Lim discloses the method of claim 1.

The combination of Bates/Lim does not specifically disclose the step of modifying the conditions of the operational parameters to enable the second mobile communications unit to process the conditions of the operational parameters.

Collier discloses a method for providing a user with feed back indicative of link quality, where signal strength (RSSI) is suggested for determining link quality (Abstract, and paragraphs 0005, 0007-0009, 0016, 0022).

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It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the method Bates/Lim by providing modifying the conditions of the operational parameters to enable the second mobile communications unit to process the conditions of the operational parameters, e.g., signal strength, as suggested by Collier, instead of location, motivation being to allow the users of probable connection terminations, especially during emergency connections.

Referring to claim 22, the combination of Bates/Lim discloses the system according to claim 12.

The combination of Bates/Lim does not disclose the conditions of the operational parameters are modified to enable the second mobile communications unit to process the conditions of the operational parameters.

Collier discloses a method for providing a user with feed back indicative of link quality, where signal strength (RSSI) is suggested for determining link quality (Abstract, and paragraphs 0005, 0007-0009, 0016, 0022).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the method of Bates/Lim by providing modifying the conditions of the operational parameters to enable the second mobile communications unit to process the conditions of the operational parameters, e.g., signal strength, as suggested by Collier, instead of location, motivation being to allow the users of probable connection terminations, especially during emergency connections.

5. Claim 6-7, 9-10, 17-18, and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bates et al (U.S. Pub. No. 2003/0013456 A1), in view of Lim (U.S.

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Pub. No. 2004/0097224 A1), and further in view of well known prior art (MPEP 2144.03).

Referring to claim 6, the combination of Bates/Lim discloses the method according to claim 4.

The combination of Bates/Lim does not disclose the first mobile communications unit selects the operational parameters.

The examiner takes official notice of the fact that it is well known in the art to select the operational parameters by a processor of the mobile terminals, to select the operational parameters whose condition is transmitted to the second mobile communications unit, motivation being to be consistent with parameter transmission.

Referring to claim 7, the combination of Bates/Lim discloses the method according to claim 1.

The combination of Bates/Lim does not disclose the informing step comprises the step of displaying at least one icon, broadcasting at least one audio tone and causing the second mobile communications unit to vibrate, wherein the icons, audio tones and vibrations correspond to the transmitted conditions of the operational parameters of the first mobile communications unit.

The examiner takes official notice of the fact that it is well known in the art to notify a user of a mobile terminal by displaying at least one icon, broadcasting at least one audio tone and vibration.

It would have been obvious to one of the ordinary skill in the art at the time of invention to modify the system of Bates/Lim by providing other means of notification, e.g., displaying at least one icon, broadcasting at least one audio tone and causing the

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second mobile communications unit to vibrate, wherein the icons, audio tones and vibrations correspond to the transmitted conditions of the operational parameters of the first mobile communications unit, motivation being for the purpose of providing a distinguishable notification system to get attention.

Referring to claim 9, the combination of Bates/Lim discloses the method according to claim 1.

The combination of Bates/Lim does not disclose conditions of the operational parameters are transmitted over a control channel.

The examiner takes official notice of the fact that it is well known in the art to transmit non-voice signals via the control signals.

It would have been obvious to one the ordinary to modify the system of Bates/Lim by providing the control signals to transmit operational parameters, motivation being to provide a better chance of transmitting those signals.

Referring to claim 10, the combination of Bates/Lim discloses the method according to claim 1.

The combination of Bates/Lim does not disclose the conditions of the operational parameters are transmitted at periodic interval.

The examiner takes official notice of the fact that it is well known in the art to transmit at periodic intervals.

It would have been obvious to one of the ordinary skill in the art at the time of invention to modify the method of Bates/Lim by providing the conditions of the operational parameters to be transmitted at periodic intervals when the conditions of the

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operational parameters change from a previous transmission, motivation being to be consistent with parameter transmission.

Referring to claim 17, the combination of Bates/Lim discloses the system according to claim 15.

The combination of Bates/Lim does not the first mobile communications unit has a processor programmed to select the operational Parameters.

The examiner takes official notice of the fact that it is well known in the art to provide a processor to the mobile terminals.

It would have been obvious to one of the ordinary skill in the art at the time of invention to modify the method of Bates/Lim by providing the processor of the terminal of Bates to be programmed to select the operational parameters whose condition is transmitted to the second mobile communications unit, motivation being to be consistent with parameter transmission.

Referring to claim 18, the combination of Bates/Lim discloses the system according to claim 12.

The combination of Bates/Lim does not specifically disclose the user interface is a speaker, a display, or a vibrator motor, wherein the second mobile communications unit informs the user of the second mobile communication unit of the conditions of the operational parameters of the first mobile communications unit by displaying at least one icon on the display, by broadcasting on the speaker at least one audio tone or by generating a vibration through the vibrator motor, wherein the icons, the audio tones and the vibrations correspond to the transmitted conditions of the operational parameters of the first mobile communications unit.

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The examiner takes official notice of the fact that user interface as a speaker, a display, or a vibrator motor and informing the user of another mobile communication unit of the conditions of the operational parameters of the first mobile communications unit by displaying at least one icon on the display, by broadcasting on the speaker at least one audio tone or by generating a vibration through the vibrator motor, wherein the icons, the audio tones and the vibrations correspond to the transmitted conditions of the operational parameters of the first mobile communications unit are well known in the art.

It would have been obvious to one of the ordinary skill in the art at the time of invention to modify the system of Bates/Lim by providing other means of notification, e.g., displaying at least one icon, broadcasting at least one audio tone and causing the second mobile communications unit to vibrate, wherein the icons, audio tones and vibrations correspond to the transmitted conditions of the operational parameters of the first mobile communications unit, motivation being for the purpose of providing a distinguishable notification system to get attention.

Referring to claim 20, the combination of Bates/Lim discloses the system according to claim 12.

The combination of Bates/Lim does not disclose conditions of the operational parameters are transmitted over a control channel.

The examiner takes official notice of the fact that it is well known in the art to transmit non-voice signals via the control signals.

It would have been obvious to one the ordinary to modify the system of Bates/Lim by providing the control signals to transmit operational parameters, motivation being to provide a better chance of transmitting those signals.

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Referring to claim 21, the combination of Bates/Lim discloses the system according to claim 12.

The combination of Bates/Lim does not disclose the conditions of the operational parameters are transmitted at periodic intervals.

The examiner takes official notice of the fact that it is well known in the art to transmit at periodic intervals.

It would have been obvious to one of the ordinary skill in the art at the time of invention to modify the system of Bates/Lim by providing the conditions of the operational parameters to be transmitted at periodic intervals when the conditions of the operational parameters change from a previous transmission, motivation being to be consistent with parameter transmission.

Allowable Subject Matter

6. Claims 5, 8, 16 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

7. Applicant's arguments with respect to claims 1-4, 6, 7, 9-15, 17-18, and 20-22 have been considered but are moot in view of the new ground(s) of rejection.

In response to argument with regards to claims 6 and 17, that "it is not well known to select the type of operational parameters to be transmitted from the first mobile unit to the second mobile unit", the examiner disagrees, and submits that although the claims are interpreted in light of the specification, limitations from the specification are

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not read into the claims. See *In re Van Geuns*, 988 F.2d 1,181,26 USPQ2d 1057 (Fed. Cir. 1993). The applicant's language of the claims is very broad and at least Lim (US 2004/0097224 A1) clearly reads on it (see Lim's paragraphs 34-37, particularly paragraph 35, "Each terminal respectfully includes ... an MSM unit 12 for transferring state information", thus each terminal inherently selects to transmit the state information to the base station, where the base station sends the information to the receiving terminal").

Applicant's arguments with respect to claims 8 and 19 are persuasive. Thus the rejection of claims 8 and 19 are withdrawn.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

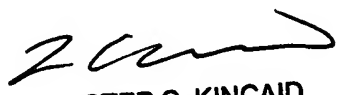
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fred A. Casca whose telephone number is (571) 272-7918. The examiner can normally be reached on Monday through Friday from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid, can be reached at (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


LESTER G. KINCAID
SUPERVISORY PRIMARY EXAMINER